

CHAPTER NO. 437**HOUSE BILL NO. 1566****By Representatives Overbey, Henri Brooks****Substituted for: Senate Bill No. 772****By Senators Burchett, Williams, Kurita, Beavers, Black, Hagood, Tracy, Fowler, Person**

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 55, relative to child neglect and endangerment by those driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by designating the existing language of subsection (a)(1) as (a)(1)(A) and by adding the following new (a)(1)(B):

(B)

(i) Notwithstanding the provisions of subdivision (A), if at the time of the offense the person was accompanied by a child under eighteen (18) years of age, such person shall be punished by a mandatory minimum incarceration of thirty (30) days and a mandatory minimum fine of one thousand dollars (\$1,000).

(ii) Notwithstanding the provisions of subdivision (A), if at the time of the offense the person was accompanied by a child under eighteen (18) years of age, and such child suffers serious bodily injury as a result of the violation of § 55-10-401, the person commits a Class D felony.

(iii) Notwithstanding the provisions of subdivision (A), if at the time of the offense the person was accompanied by a child under eighteen (18) years of age, and such child is killed as a result of the violation of § 55-10-401, the person commits a Class C felony.

(iv) The periods of license suspension provided in subdivision (A) shall also be imposed upon any person sentenced under this subdivision.

SECTION 2. Tennessee Code Annotated, Section 37-1-403, is amended by designating the existing language of subsection (d) as (d)(1) and by adding the following new (d)(2):

(2) A law enforcement official or judge who knows or becomes aware of a person who is convicted of a violation of § 55-10-401 and sentenced under the provisions of § 55-10-403(a)(1)(B) because such person was at the time of the offense accompanied by a child under eighteen (18) years of age, shall report such information as provided in subdivision (1) and the department shall consider such information to be appropriate for investigation in the same manner as other reports of suspected child abuse or neglect.

SECTION 3. Tennessee Code Annotated, Section 55-10-414, is amended by deleting the section in its entirety.

SECTION 4. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 28, 2005



**JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES**



**JOHN S. WILDER
SPEAKER OF THE SENATE**

APPROVED this 17th day of June 2005



PHIL BREDESEN, GOVERNOR